

given in my message, recently submitted, for which however I have no such strenuous predilection, as that I could not most willingly see any practicable mode adopted, and carried out.

Respectfully submitted,

O. M. ROBERTS, Governor.

To His Excellency O. M. Roberts, Governor of Texas, Austin, Texas:

At the last annual session of the Teachers' Association of Texas, held at Mexia, in June, 1880, the undersigned were appointed as a committee to present to your excellency the views held by the teachers of Texas concerning the establishment of a State University, and to submit to your Excellency a plan for the organization of the same.

In pursuance of this commission the following memorial is respectfully submitted:

The increasing demand for higher education and the inadequacy of existing institutions in the State, to meet this demand; taken in connection with the fact that the resources of the University fund are now amply sufficient to found and sustain an institution of the highest order, induced the Teachers' Association of Texas to adopt by a unanimous vote a resolution urging the immediate inauguration of a State University.

For the accomplishment of this end, which commends itself to the mind of every Texan and every friend of higher education, the following plan of organization is respectfully submitted:

I. One University, and only one, should be organized.

II. The control, management and supervision of the University should be vested in a board to be styled the Regents of the University of Texas, which board shall consist of one member from each congressional district, to be nominated by the Governor and confirmed by the Senate, to hold office not less than two nor more than ten years. No person holding any office of honor or emolument should be eligible to the position of regent.

III. The board of regents should be empowered and instructed to elect the president of the University, who should be ex officio chairman of said board. The regents should determine the departments of the University, elect the professors, and, by and with the advice of the professors, arrange courses of instruction, appoint tutors and other officers of the University.

IV. The board of regents should fix the salaries of the president, the professors, tutors, and other officers of the University, on such a scale as to command the services of persons eminently qualified for the respective positions, and make all regulations necessary for the government of the University.

V. No religious qualification should be prescribed for admission to any office or privilege in the University, nor should any course of religious instruction of a sectarian character be taught in the University.

VI. The regents should report annually to the Governor the condition and progress of the University.

VII. A committee should be appointed by the Legislature at each session, to attend the annual examinations of the University, and report to the Legislature thereon.

VIII. The reasonable expense incurred by the regents and visiting committee in the discharge of their duties should be paid out of the available University fund.

IX. The Treasurer of the State should be the treasurer of the University.

X. All the expenditures of the University should be made by order of the board of regents, and all moneys needed to meet the same, should be drawn on warrant of the Comptroller, based upon the vouchers approved by the chairman of board of regents, and countersigned by the secretary of said board.

XI. The election for the location of the University should be ordered at the earliest date possible.

XII. No part of the University fund should ever be applied to the erection of dormitories, professor's houses or mess halls.

Trusting that a measure involving such far reaching results for the progress and glory of the State, and the advancement of education will receive the wise and thoughtful attention, and prompt action which it deserves, we are,

Very respectfully, your obedient servants,

OSCAR H. COOPER, Chairman.
W. C. CRANE,
S. G. SNEED,
R. W. PITMAN,
SMITH RAGSDALE,
JNO. G. JAMES,
O. N. HOLLINGSWORTH.

Attest: A. J. ROBERTS, V. Pres. T. A. of Texas.

On motion of Senator Homan the reading of the message was postponed and referred to Committee on Education.

Senator Burges, by leave, presented a petition signed by a large number of the citizens of Bandera county, asking

that a law be passed by the Texas Legislature bestowing an annual pension of \$150 upon each indigent of the Texas revolution in accordance with the provisions of section 55, article 16, of the Constitution. Referred to Committee on State Affairs.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 28, 1881.

Hon. L. J. Storey, Lt.-Governor and President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 74, entitled "An act to provide for the payment of all outstanding ten per cent interest treasury warrants of the State of Texas," which were issued in payment for services rendered prior to January 28, 1861."

Senate bill No. 46, entitled: "An act to amend article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas."

Senate bill No. 48, entitled: "An act to amend article 1265, chapter 8, title 29, of the Revised Civil Statutes, passed February 21, 1879," and Senate bill No. 57, entitled: "An act to amend title 11 chapter 1, article 241, of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879," and find said bills correctly engrossed.

BUCHANAN, of Grimes, Chairman.

On motion of Senator Stubbs, the Senate adjourned till to-morrow morning at 10 o'clock.

SEVENTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, January 29, 1881. }

Senate met pursuant to adjournment, the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Tilson the reading of the journal of yesterday was suspended, and same adopted.

On motion of Senator Ross, Senator Moore was excused till Wednesday next.

On motion of Senator Burges, sergeant-at-arms was excused to-day.

Senator Buchanan of Wood, chairman of Committee on Educational Affairs submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 1, entitled "An act to amend article 3704, Revised Statutes of Texas," have had the same under consideration, and I am instructed by a majority of said committee to report the same back to the Senate, with the recommendation that it do not pass.

The object and purpose of the bill is to establish and dedicate one-fourth of the general revenue, permanently, as a part of the available school fund of the State. Section 5, article 7, of the Constitution of the State provides that "no law shall ever be enacted appropriating any part of the permanent available school fund to any other purpose whatever." From this it follows that if the bill should pass, and its provisions could be enforced, under the Constitution, it would withdraw from the general revenue one-fourth thereof, and set it apart permanently for the use of public free schools, and the amount so withdrawn could not be appropriated by any future Legislature to any other purpose whatever, let the necessities of other departments of the government, having for their object the protection of life, liberty and property, be what they may. Having this effect of the bill in view, a portion of the majority of the committee believe that to make such permanent dedication of any part of the general revenue would be bad State policy; and hold that when a tax is levied for general purposes, its distribution should be left to the wisdom and judgment of each recurring Legislature.

Another part of the majority think that the provisions of the bill contravene the spirit, if not the very letter, of the Constitution. This opinion is based upon section 9, article 8, and section 3, article 7, of the Constitution. Section 9, article 8, furnishes the only authority for levying an ad valorem tax. It provides that "the State tax on property (exclusive of the tax necessary to pay the public debt) shall never exceed fifty cents on the one hundred dollars valuation." Section 3, article 7,

furnishes the authority and direction for legislative action in setting apart a portion of the general revenue, or State tax, authorized by the section of the Constitution above quoted, and provides that "there shall be set apart annually," not more than one-fourth of the general revenue of the State for the benefit of public free schools. The language, "set apart annually" used in this section, we think, conveys the idea, that the amount set apart out of the general revenue for public free schools should be fixed in the annual appropriation acts. If this be the correct construction of this section, then the "setting apart" of any part of the general revenue for school purposes must be by annual appropriations. Section 6, article 8, of the Constitution restrains the Legislature from making an appropriation for a period longer than two years. The bill, then, in so far as it attempts to appropriate permanently, or for a longer period than two years, any specific part of the general revenue for school purposes, is unconstitutional. The committee are unanimous, so far as expressed, in the opinion that the present and prospective condition of our State finances, will justify an appropriation, in the proper way, of one-fourth of the ad valorem tax for the use of free schools, and that such an appropriation should be made in the general appropriation bill.

BUCHANAN of Wood, Chairman.

Bill read first time.

Senator Shannon gave notice that a minority report on the foregoing bill would be presented.

Also, that a motion would be made to reconsider the vote by which Senate joint resolution No. 20 was engrossed on yesterday.

Senator Lane, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 87, entitled "An act to amend articles 4746, 4747, and 4748 of the Revised Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature," have duly considered the same, and I am instructed by the committee to report the bill back to the Senate with recommendation that it do pass.

LANE, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 19, entitled "An act to amend article 4662, chapter 1, title 95 of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to the rate of forty cents on \$100," beg leave to report that they have duly considered the same, and I am instructed by the committee to report the same back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 51, entitled "An act to adjust the indebtedness of the State to the permanent school fund, and make an appropriation therefor," beg leave to report that they have duly considered the same, and I am instructed by the committee to report the bill back to the Senate, with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

Senator Rainey introduced a bill entitled "An act amendatory of article 1151, chapter 2, title 28 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 1.

Adjourned, on motion of Senator Houston, till 10 A. M., Monday next.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 31, 1881. }

The Senate met pursuant to adjournment, Lieutenant-Governor Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Cooper, the reading of the journal was dispensed with and the same adopted.

Senator Stubbs presented a memorial from 2300 citizens of Galveston county in reference to the foreign sailors bill, asking for its passage. Referred to Committee on State Affairs.

Senator Stewart also presented a memorial from citizens of Galveston protesting against the passage of the bill. Referred to Committee on State Affairs.

Senator Stubbs presented a memorial of Colonel W. Moseley, of Brazoria county, commanding the First Regiment of Cavalry of Texas Volunteer Guards, and H. W. Munson, captain of the Prairie Rangers, asking the passage of a law providing for uniforming and encamping the volunteer soldiery of the State. Referred to Committee on Military Affairs.

Senator Terrell presented a memorial of citizens of Lampasas county, asking that the jurisdiction of the county court of that county be decreased to probate business only. Referred to Committee on State Affairs.

Senator Houston, chairman Committee on Constitutional Amendments, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 29 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution, No. 14, entitled "Joint resolution proposing an additional article to the Constitution, to be known as article on immigration," have had the same under consideration, and instruct me to report it back, and recommend that it do not pass.

HOUSTON, Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 18, entitled, "Joint resolution proposing to amend section 11 of article 8 of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back and recommend that it do pass.

HOUSTON, Chairman.

Resolution read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 12, entitled, "Joint resolution proposing to repeal section 56 of article 16 of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back and recommend that it do pass.

HOUSTON, Chairman.

Senator Lane submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, January 29, 1881.

Hon. L. J. Storey, President of the Senate:

The undersigned respectfully dissents from the decision of the majority of the committee, in recommending the passage of Senate joint resolution No. 12, proposing the repeal of section 56, article 16 of the State Constitution, for the reason that it leaves it in the power of the Legislature to establish a bureau of immigration, and to make appropriations for the same without any limitation. I hold that this section should be stricken out by an amendment especially limiting the power of the Legislature in making appropriations for that object, I therefore submit the following as a substitute for the original joint resolution.

Be it resolved by the Legislature of the State of Texas, That section 56 article 16 of the State Constitution be so amended as to read as follows:

Sec. 56. The Legislature may make an annual appropriation in an amount not to exceed twenty-five hundred dollars, for the purpose of inviting immigration; and this section shall be no restriction upon the power of the Legislature to make an appropriation for the purpose of gathering statistics, and distributing the same within or without the State.

LANE.

Resolution read first time.